

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-32 are presently pending. Claims amended herein are 1, 14, 21, 27-29 and 32. Claims withdrawn or cancelled herein are none. New claims added herein are none.

Statement of Substance of Interview

[0004] The Examiner graciously spoke with me—the undersigned representative for the Applicant—on July 31, 2007. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I discussed how the claims differed from the cited art, namely Ko. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006] The Examiner was receptive to the proposals, and I understood the Examiner to indicate that the discussed clarifying claim amendments appeared to distinguish over the cited art of record. For example, the Examiner indicated that clarification regarding “security engine’s readiness to implement the new security policy” distinguished claim 1 over the Ko. However, the Examiner indicated that she would need to review the cited art more carefully and/or do another search, and requested that the amendments be presented in writing.

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 14, 21, 27-29 and 32 herein. Applicant amends claims to clarify claimed features in accordance with our telephone discussion with the examiner. Such amendments are made to expedite prosecution and quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to cited prior art.

Formal Matters

Claims

[0011] The Examiner objects to claims 21-26 for informalities. Herein, Applicant amends these claims, as shown above, to correct the informalities noted by the Examiner.

Provisional Double-Patenting Rejections

[0012] Based upon co-pending applications 10/729,096; 10/729,530; 10/456,606; 10/456,093; and 10/411,876 the Examiner provisionally rejects claims 1-32 on the grounds of non-statutory obviousness-type double-patenting.

[0013] Applicant respectfully requests that the provisional double-patenting rejections be held in abeyance until corresponding claims are indicated as allowable.

[0014] In the event that such claims from more than one application are indicated as allowable, Applicant agrees to submit a terminal disclaimer to overcome the provisional double-patenting rejection.

Substantive Matters

Claim Rejections under § 112

[0015] Claims 1-32 are rejected under 35 U.S.C. § 112, 2nd ¶. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Claim Rejections under § 101

[0016] Claims 1-32 are rejected under 35 U.S.C. § 101. In light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of § 101 and that the § 101 rejections should be withdrawn. The Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0017] If the Examiner maintains the rejection of these claims, then the Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under § 102

[0018] Claims 1-32 are rejected under 35 U.S.C. § 102. In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0019] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

[0020] The Examiner rejects claims 1-32 under 35 U.S.C. § 102(e) as being anticipated by Ko, et al., U.S. Patent No. 6,789,202, (issued Sep. 7, 2004) [hereinafter "Ko"]. Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0021] Applicant respectfully submits that Ko, does not disclose at least the following (in particular, the emphasized text) from claim 1:

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

instructions to communicate an *indication of each security engine's readiness to implement the new security policy, wherein each of the plurality of security engines returns a value signifying whether it has processed the new set of rules and/or data received to indicate readiness to implement the new security policy;*

[0022] Instead, Ko describes an analyzer that receives an intrusion detection policy from a higher level analyzer or a network security coordinator, and a policy compiler compiles this intrusion detection policy into lower level intrusion detection policies for local analyzers and sensors. An analysis module is also described which collects and correlates information from sensors and lower level analyzers. Ko does not describe communicating an indication of each security engine's readiness to implement the new security policy.

[0023] Consequently, Ko does not disclose all of the claimed elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 14

[0024] Applicant respectfully submits that Ko, does not disclose at least the following (in particular, the emphasized text) from claim 14:

a second function that *identifies whether each of the plurality of security engines is prepared to apply the new security policy based on a value generated by each of the plurality of security engines signifying whether it has processed the new set of rules and/or data;* and

a third function that *instructs each of the plurality of security engines to implement the new security policy after determining that all of the security engines are prepared to apply the new security policy.*

[0025] Instead, Ko is limited to an intrusion detection system as described above. Ko does not describe “**identify[ng] whether each of the plurality of security engines is prepared to apply the new security policy based on a value generated by each of the plurality of security engines signifying whether it has processed the new set of rules and/or data;**” or “**instruct[ing] each of the plurality of security engines to implement the new security policy after determining that all of the security engines are prepared to apply the new security policy**” as claimed.

[0026] Consequently, Ko does not disclose all of the claimed elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 21

[0027] Applicant respectfully submits that Ko, does not disclose at least the following (in particular, the emphasized text) from claim 21:

at least one of a plurality of second functions to facilitate ***determining whether the first security engine has applied the security policy;*** and

at least one of a plurality of third functions to facilitate ***communicating security-related information from the first security engine to a second security engine, wherein the first security engine communicates whether it is ready to apply the security policy***

[0028] Instead, Ko is limited to an intrusion detection system as described above. Ko does not describe “**determining whether the first security engine has applied the security policy**” or “**communicating security-related information from the first**

security engine to a second security engine, wherein the first security engine communicates whether it is ready to apply the security policy” as is recited in this claim.

[0029] Consequently, Ko does not disclose all of the claimed elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 27

[0030] Applicant respectfully submits that Ko, does not disclose at least the following (in particular, the emphasized text) from claim 27:

means for exposing a sixth function that *communicates the **ability of the plurality of security engines to replace** an existing security policy with the new security policy*

[0031] Instead, Ko is limited to an intrusion detection system as described above. Ko does not describe “communicat[ing] the **ability of the plurality of security engines to replace** an existing security policy with the new security policy” as is claimed.

[0032] Consequently, Ko does not disclose all of the claimed elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims

[0033] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0034] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

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